

Gender inequality: Empowering women

Cheryl Lynn Kelsey
Texas A&M University-San Antonio

ABSTRACT

Numerous court rulings and gender discrimination laws have legitimized a women's right to equality and yet subtle sexist behaviors remind females that they are not truly equal in the workplace. These discriminatory practices are being legally challenged by women committed to attaining full equality and changing the inequities of employment compensation and benefits.

Employment discrimination is considered to be unlawful when adverse treatment of employees is motivated by age, sex, race, creed, religion, national origin, disability, veterans' status or other protected class status (Civil Rights Act of 1964).). Gender discrimination laws apply to both men and women equally but women are often the victim (Gregory, 2003).

Although women have yet to be the victor in attaining full equality, this article will examine the current under-payment of women and the employment discrimination laws that have been passed so that no gender need be the victim of a sexist economy.

Keywords: Pay Gap, Economic Discrimination, Gender Discrimination Laws



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INTRODUCTION

This article will examine gender inequality, specifically economic discrimination and females. Numerous court rulings and gender discrimination laws have legitimized a women's right to equality and yet subtle sexist behaviors remind females that they are not truly equal in the workplace. These discriminatory practices are being legally challenged by women committed to attaining full equality and changing the inequities of employment compensation and benefits.

Employment discrimination is considered to be unlawful when adverse treatment of employees is motivated by age, sex, race, creed, religion, national origin, disability, veterans' status or other protected class status (Civil Rights Act of 1964). Gender discrimination, gender bias, or the less commonly used term, sexual discrimination, is a form of employment discrimination whereby employees are treated differently based on the person's gender. It is illegal for employers to discriminate against any employee, or applicant for employment, because of his or her sex in connection with hiring, termination, promotion, demotion, compensation, job training, job placement, discipline or any other term, condition, or privilege of employment (Equal Pay Act of 1963). Gender discrimination laws apply to both men and women equally but women are often the victim (Gregory, 2003).

Although women have yet to be the victor in attaining full equality, this article will examine the current under-payment of women and the employment discrimination laws that have been passed so that no gender need be the victim of a sexist economy.

ECONOMIC DISCRIMINATION

Gender pay gap, gender wage gap, male-female income difference, and gender earnings gap are various terms used to describe the statistical difference in the average yearly income between males and females. The difference is measured as the ratio of female to male median yearly earnings among full-time, year-round workers. The female-to-male median yearly earnings ratio was 0.77 in 2011, meaning females earned 77 percent of what their male counterparts were paid, a gap of 23 percent (U.S. Census Bureau, 2012). This ratio is calculated annually and is based on data obtained by the Bureau of Labor Statistics Current Population Survey on the median annual earnings of all men and women classified as full time workers (www.census.gov/cps). In 2011, the median annual earnings of women and men who worked full time, year-round was \$37,118 and \$48,202 respectively (U.S. Census Bureau, 2012).

According to a U.S. Bureau of Labor Statistics Report (2013), the female-to-male median usual weekly earnings ratio was 0.82 in 2011. This ratio is based on women employed full time in wage and salary jobs having a median usual weekly earnings of \$684.00 compared to men with a median usual weekly earnings of \$832.00 (U.S. Bureau of Labor Statistics, 2013). Females in 2011 earned 82 percent of the medium usual weekly earnings of what their male counterparts were paid, a gap of 18 percent.

The gender pay gap has been described as an untrue feminist notion that does not take in account factors other than wage discrimination. According to this theory, women make less money because of the choices they make such as less education, lower-paying occupations, and prioritizing the responsibilities of being a mother (Farrell, 2005). This analogy can be compared to deciding which dog, even though they are the same height and weight, receives more food. One dog is brown with touches of white on her ears, enjoys walking with his owner, does not bark at visitors, and recently delivered three puppies. Another dog has white fur, has learned to

sit and roll over on command, guards the house day and night by barking, and has recently been spade. The logic according to this theory is that the second dog needs more food because he has made better choices. He knows how to sit and roll over (more education), can guard the house (higher paid occupation than walking with the owner), and is more focused on his owner (no pesky puppies to feed). The same mistaken logic of blaming women for the choices they have made is used to explain why women make less money than men.

Existing cultural biases deny both males and females equal opportunities in the workplace. Cultural bias has been attributed to experimental research in which equivalence between males and females was established (Foshi, 2000). Studies show that when women violate traditional gender norms by demonstrating to be competent leaders, evaluators perceived them to be less likeable and less likely to be recommended for hiring or promotion (Eagly & Karau, 2002; Heilman, Wallen, Fuchs, and Tamkins, 2004). According to Reskin (2000), women and minorities were more likely to be hired when gender is unknown in the selection process. The number of women and minorities hired by the Civil Service increased significantly when job applicants were no longer required to include photographs (Rosenbloom, 1977). When symphony orchestras adopted “blind” auditions by using a screen to conceal candidates’ identities, the hiring of women musicians increased (Goldin & Rouse, 2000). Women were more likely to be hired when a computerized application process was used where gender was not identified (Guinier & Sturm, 2001). Williams and Bornstein (2008) identified three major sources of bias in the evaluation of women compared to men. First, women are judged by stricter standards than men making it more difficult for them to appear competent. Second, men have to give a convincing demonstration of incompetency to be actually judged incompetent. Third, men tend to be judged on their potential for accomplishment, whereas women are judged on what they have already accomplished.

The gender pay gap affects all women regardless of their backgrounds, ages, and education. Women earn less than men even though women are becoming slightly more educated than men. Between 1970 and 2012, the percentage of women with a high school education increased from 55% to 88% (National Center for Education Statistics, 2012). During the same time, the percentage of men with a high school education increased from 55% to 87% (National Center for Education Statistics, 2012). In 2012, 38% of the females and 31% of the males held a bachelor’s degree (National Center for Education Statistics, 2012). Regardless of this increase by women in educational attainment, the pay gap is evident at every level of academic achievement. According to Corbett and Hill (2012) women, one year out of college working full time, earned \$35,296 compared to \$42,918 earned by men that were one year out of college and working full time.

The median yearly earnings for women are lower than men’s in nearly all occupations, including those that predominantly employ men, women, or an even mix of men and women (U.S. Bureau of Labor Statistics, 2013). According to the Institute for Women's Policy Research (2011), out of the 111 occupations that the U.S. Bureau of Labor Statistics estimates median weekly earnings, women make less money in 107 of those occupations. In an executive summary by Carnevale, Rose and Cheah (2011), sponsored by Georgetown University, Center on Education and the Workforce, “race, ethnicity and gender are wild cards that matter more than education or occupation in determining earnings” (p. 1).

Male dominated occupations have higher median earnings than female dominated occupations. Three times as many women (4.87 million) than men (1.24 million) work in occupations that pay below the federal poverty threshold for a family of four (Institute for

Women's Policy Research, 2011). Occupations such as teaching, counseling, nursing, and social work are referred to as pink-collared jobs and tend to have lower wages. Even when women work in traditional "male" occupations such as engineering, they still face a pay gap when compared to their male counterparts.

Earnings are not only affected by gender, but also by races and ethnicities. Within racial or ethnic groups, Hispanic, Latina, and African American women had lower median weekly earnings compared with white and Asian American women (American Association of University Women, 2013). Hispanic or Latina women earn 59% and African American women earn 68% while white women earn 81% and Asian American women earn 88% of white men's earnings (American Association of University Women, 2013). Latina women are most likely to be in the lowest paid jobs. There is a smaller gender pay gap when Hispanic, Latina, or African American women are compared with men in their same racial or ethnic group. This smaller pay gap is due to African American, Hispanic, and Latino men being paid less than white men in 2012 (American Association of University Women, 2013).

Over 40 percent of U.S. households with children under the age of 18 are supported by mothers who are either the sole or primary breadwinner in the household (Wong, Parker and Taylor, 2013). These mothers are divided into two groups: 37% are married and have a higher income than their husband, and 63% are single mothers (Wong, Parker and Taylor, 2013). Their earnings are critical to their families' economic security. Median weekly earnings for mothers of children under age 18 were \$669 compared to the male median weekly earnings of \$832 (U.S. Bureau of Labor Statistics, 2012). A lifetime of lower pay means women have less income to support themselves and their families that depend on them.

Women face a pay gap regardless of their race, occupation, academic achievement, age, or where they live. When they start out behind men in terms of compensation they often stay behind for a lifetime. Raises and benefits are generally based on starting salaries and a low salary means continuing lower compensation and decreased retirement benefits. Pay inequities, including lost wages, reduced pension plans, and diminished Social Security benefits, cause long term effects on the economic security of all women regardless of their ages, races, and education levels. Because of these factors, women are more likely to enter poverty in old age (U.S. Department of Health and Human Services, Administration on Aging, 2012). The long term effects of the gender pay gap increase when combined with the fact that women have to stretch their retirement savings over a longer time period because they outlive men by an average of three years (U.S. Department of Health and Human Services, National Center for Health Statistics, 2012).

GENDER DISCRIMINATION LAWS

It is a violation of federal civil rights to deny someone a job, promotion, equal pay or opportunity based on their gender. Gender is included in federal employment discrimination laws due to existing cultural biases that may deny both males and/or females equal opportunities in the workplace. Changing a social wrong is difficult despite the following legislative efforts of the federal government.

The Equal Pay Act (EPA) of 1963 was the first significant piece of federal legislation to deal with sex discrimination. This law amended the Fair Labor Standards Act of 1938 and makes it illegal to pay different wages to men and women if they performed equal work in the same workplace. The EPA also makes it illegal to retaliate against a person because the person

complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

One of the most important federal laws covering gender discrimination is Title VII of the Civil Rights Act of 1964 which prohibits not only intentional discrimination, but also practices that have the effect of discriminating against individuals because of race, color, religion, national origin, or sex. Title VII's prohibitions against sex discrimination cover both sexual harassment and pregnancy based discrimination. Sexual harassment includes practices ranging from request for sexual favors to a hostile workplace environment for persons of either gender, including same sex harassment. Prohibition of pregnancy based discrimination requires that pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions. Title VII requires employers to reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the employer's business. This federal law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education program and activities that receive federal financial assistance. Examples of the types of discrimination that are covered under Title IX include sexual harassment; the failure to provide equal opportunity in athletics; discrimination based on pregnancy; and discrimination in a school's science, technology, engineering, and math (STEM) courses. To enforce Title IX, the U.S. Department of Education maintains an Office for Civil Rights, with headquarters in Washington, DC and 12 offices across the United States.

President Obama, on January 29, 2009, signed into law the first new law of his administration: the Lilly Ledbetter Fair Pay Act. The new act amends the Civil Rights Act of 1964 and states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action. The law overturns the U.S. Supreme Court's decision in *Ledbetter v. Goodyear Tire and Rubber Co., Inc.*, 550U.S. 618 (2007), where the Court held by a 5-4 vote that the plaintiff did not file a timely charge within the statutory time limit.

EMPOWERING WOMEN

Being a victor in the courtroom rather than a victim in the workplace can be daunting and expensive task for a woman when faced with gender discrimination. Unfortunately, filing a lawsuit may be the only option when effort, skill and responsibility are no longer guarantees for an equal salary or decisions for advancement are based on biased opinions rather than relevant, objective criteria. Women using career advancement strategies, such as being proactive and asking for more opportunities, become disillusioned when they are advanced less or receive slower pay growth than their male counterparts. More frustrating to women is the realization that they lag men in level and salary even though they are using the same advancement strategies as the men to get ahead (Carter & Silva, 2011).

Women must collectively work together if they want their employers to treat them fairly based on their merit. Knowledgeable, passionate, and organized woman can collectively dispel the myths used to rationalize gender differences. Women have an obligation to help the women who come after them. Change will not happen without women persevering in their professional lives to end gender imbalances in the workplace.

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